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Measures to eliminate international terrorism

Security Council
Fifty sixth year

Letter dated 28 March 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to another act of Palestinian terrorism perpetrated this morning near the Israeli town of Kfar Saba.

Shortly after 7:30 am local time, a suicide bomber detonated an explosive charge near a gasoline station, killing Eliran Rosenberg Zayat, age 15, and Naftali Landskron, age 14. Four others were wounded in the explosion, one of them critically. This attack comes just a day after two separate bombings wounded thirty-five people in Jerusalem, and less than two days after the deliberate murder of a ten-month-old baby in Hebron.

The military wing of Hamas claimed responsibility for the blast and, in a telephone call to Reuters, warned that seven more suicide bombers were ready and prepared to strike.

Today's bombing is merely the latest in an increasingly frequent series of Palestinian terrorist attacks that have included murders, abductions, mortar fire and suicide bombings. Previous attacks have been detailed in my letters addressed to you dated 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108), and 2 November 2000 (A/55/540-S/2000/1065).

It must also be noted that these attacks occurred at a time when Israel is acting to relax restrictions and ease the hardships of the Palestinian civilian population. The Palestinian leadership had taken advantage of this situation, resulting in a dramatic increase in terrorist activities in recent days.

The Government of Israel holds the Palestinian Authority responsible for today's bombing in light of its release of convicted terrorist prisoners from

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Palestinian prisons, its persistent refusal to engage in serious security cooperation with Israel, and its failure to act resolutely to combat terrorist elements operating from within the territory under its control. The stance of the Palestinian leadership blatantly contravenes Chairman Arafat's explicit commitment of 9 September 1993 to renounce the use of violence and to act to control those who perpetrate it.

Israel again calls on Chairman Arafat to abide by his commitments, to take concerted action against terrorist elements, and to work to ensure that such atrocities do not recur in the future. The international community must speak with one voice in clear condemnation of such brutal and loathsome acts.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the fifty-fifth session of the General Assembly, under agenda item 164, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

Annex to the letter dated 29 March 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

[Original: Arabic]

I should like to inform you of some disturbing developments that need to be brought to your attention.

While Lebanon is proceeding to rebuild the infrastructure destroyed by Israel during the 22 years of the occupation and to meet its responsibility to provide vital services to the villages and areas liberated from Israeli occupation, Israel is confronting us with further threats based on allegations and delusions in preparation for the launching of fresh attacks on Lebanese territory on the fabricated grounds that Lebanon has set about diverting the course of the Hasbani river and depriving Israel of its water.

The fact is that on 20 February 2001 the competent Lebanese authorities began to lay a pipe from the Wazzani spring in order to supply water to the villages of Wazzani and Maysat in response to a request from the inhabitants to resume the pumping of water to the villages that had been customary before the Israeli occupation. In its time, the latter had deliberately destroyed the Lebanese pipeline and pumps and had deprived the population of the use of the water for drinking, household use or irrigation.

After technicians were sent to make a physical inspection and assess the needs and the measures required to meet them, work began on the provision of water with the building of a hut near the spring for the installation of pumps, the laying of a 4-inch-diameter pipeline and the erection of electricity poles so that the pumps could be operated by electric power.

The technical teams continued their work of bringing water to Wazzani and Maysat in the midst of overflights by warplanes and helicopters in Lebanese airspace in flagrant violation of Lebanese sovereignty. This was accompanied by intense and distrustful monitoring by the Israeli military from beyond the border fence and by casual and brazen crossings of the Blue Line established by the United Nations. It should be noted that the authorities in question had notified the United Nations Interim Force in Lebanon (UNIFIL) of the nature of the project and had requested its help in providing protection for the workers as a precaution against Israeli provocations or hindrances.

While, in accordance with its legitimate rights and in order to meet the vital subsistence requirements of the inhabitants, Lebanon is endeavouring to bring water that rises in and flows through its own territory to two impoverished villages that have been deprived of it, Israel is waging an escalating campaign against it that is freighted with allegations that Lebanon will withhold the water of the Hasbani river from it by taking operational measures for this purpose, and it is threatening, through the official Israeli military and civil authorities, to launch a war against Lebanon and to direct a military strike against the Lebanese installations designed to bring water to the two villages.

In the light of the foregoing, Lebanon would like to state as follows:

1. The Israeli allegations are devoid of truth and have the objective of obstructing Lebanon's restoration to health and the rebuilding of the infrastructure destroyed by Israel during the years of its occupation of southern Lebanon. The work is being carried out openly and with the knowledge of UNIFIL, as has been confirmed by Mr. Timur Göksel in a statement refuting the allegations made and denying that Lebanon was engaged in diverting the waters of the Hasbani river. He has stated that workers were installing a 4-inch-diameter pipe to convey water from the Wazzani spring to an impoverished village in need of it, and that it was not possible to speak of diverting a river by using such a small pipe. Mr. Göksel's statement reflects the reality of the situation in a manner that is not devoid of frank astonishment at the Israeli claims.

2. Lebanon affirms its right to its own water, and it rejects Israeli attempts to expropriate and exploit it.

3. It alerts the Secretariat to the Israeli threats to launch fresh attacks on its territory and installations, and it will hold Israel responsible for the consequences of any act of aggression against such installations. It calls upon you to take the necessary measures, on an urgent basis, to deter Israel from its threats and its violations of Lebanese sovereignty.

4. I take this opportunity to express the appreciation of the Lebanese Government for the impartial attitude adopted by the United Nations in southern Lebanon following the recent Israeli threats in connection with this matter and to thank the Organization for UNIFIL's continued fulfilment of its mandate and, in particular, for the humanitarian assistance and medical care it provides to the local inhabitants and for its active participation in the task of clearing the mines laid by Israel in the area.

I should be grateful if you would have this letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Mahmoud **Hammoud**
Minister for Foreign Affairs

United Nations A/55/865–S/2001/299

General Assembly
Security Council

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General Assembly
Fifty-fifth session
Agenda item 64
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 28 March 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 28 March 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 28 March 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

28 March 2001

I have the honour to refer to the letter of Mr. Sotiros Zackheos, the Greek Cypriot representative at the UN, dated 13 February 2001 (A/55/782 – S/2001/133), in which he repeated, in his purported capacity as the "Permanent Representative of the Republic of Cyprus", the well-known and unfounded Greek Cypriot allegations in an effort to distort the realities in Cyprus and to consolidate its hijacked title of the "Government of Cyprus".

Paying lip service to "intensifying efforts for finding a fast and workable solution of the Cyprus problem" while rejecting the truth and continuing the false pretence of being the "government of Cyprus", has not taken us anywhere for the last 38 years, and will not do so in the future. The Turkish Cypriot people expect the Greek Cypriot side to face the facts courageously; to stop distorting the realities; and to put an end to its game of trying to run away with Cyprus in line with its well-known policy as admitted by Mr. Glafcos Clerides, the Greek Cypriot leader, in his memoirs in the following straightforward manner:

"Just as the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot state, with a protected Turkish Cypriot minority, the Turkish preoccupation was to defeat any such effort and maintain the partnership concept, which in their opinion the Zurich Agreement created between the two communities. The conflict, therefore, was a conflict of principle and for that principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise.

The same principle is still in conflict, even today..."

("My Deposition", Vol.3, p.105)

This has been confirmed not only by the Greek Cypriot criminal acts which began on 21 December 1963 in the form of an attempted genocide against the Turkish Cypriots and continued as such until our liberation by Turkey in July 1974, but also by the public pronouncements of General Karayiannis of Greece to the effect that the order for the perpetration of this crime against humanity had been given in the month of August 1960, the very same year in which the partnership Republic was established. Further confirmation is in the notorious "Akritas Plan" which has been circulated as a UN document (A/33/115 and S/12722 of 30 May 1978).

The claim of the Greek Cypriot representative that the "Government of Cyprus" has continued to be in existence since 1963 and operated in accordance with the 1960 Constitution, subject to "necessary temporary modifications", is, in its simplest expression, absurd and intended to mislead world public opinion. The arbitrary alteration of the basic (and hence unamendable) articles of the 1960 Constitution, which were designed to safeguard the equal partnership status of the Turkish Cypriot and Greek Cypriot peoples, by taking full advantage of the inability of the Turkish Cypriot co-founder partner to use its right of veto as a result of its forceful ejection from all the state organs, can, in no way, be described as "necessary temporary modifications". It should be stressed that Article 182 of the 1960 Constitution stated that the Basic Articles "***could not, in any way, be amended, whether by way of variation, addition or repeal***". The other articles of the Constitution, which could be amended, required concurrent two-thirds majority of the Greek Cypriot and Turkish Cypriot members of the House of Representatives. The Greek Cypriot actions also violated Article 1 of the Treaty of Guarantee, in which the "Republic of Cyprus" undertook "***to ensure ... respect for its constitution***".

The letter also claims that several invitations were extended to the Turkish Cypriot partner to return to the "1960 institutions". It fails to mention, however, that all the efforts of the Turkish Cypriot side to regain their equal status and position in the 1960 *state of affairs*, were made contingent upon acceptance, by them, of "laws" unconstitutionally enacted in their absence.

Consequently, the Greek Cypriot allegation that Turkish Cypriots "abandoned the government" is a false statement which adds insult to injury. Its repetition by the Greek Cypriot side only reconfirms that they have no desire to establish a new partnership with us, but are bent on dominating us. It would suffice to present the following extracts from the

reports of the UN Secretary-General that it was the Greek Cypriot side which persistently denied the Turkish Cypriot demand to be reintegrated into the state machinery.

" *The Turkish Cypriot civil servants felt that due to the prevailing conditions since December 1963 they were unable for physical and security reasons, to attend their offices on the Greek Cypriot side of Nicosia. Therefore, they stayed on the Turkish Cypriot side and affirmed that they were willing to co-ordinate their work with the Government departments' activities* "

"*108. All negotiations on the possible re-employment of the Turkish Cypriot Government civil servants in Nicosia and their financial compensation from January 1964 have ended in a deadlock up to now, as it is considered by the Government to be a highly political matter linked closely with the final settlement of the Cyprus question.*"
(Report of the UN Secretary-General to the Security Council dated 10 September 1964, S/5950)

" *6. ... the Turkish Cypriot members of the House of Representatives decided to attempt to participate in the debates of the House. During the morning of 22 July, the Turkish Cypriot members informed the Special Representative of the Secretary-General about their decision.*"

"*7. The Turkish Cypriot members requested UNFICYP to extend its good offices to enable them to receive information about the time of meeting of the House, and to make arrangements for the Turkish Cypriot members to attend such meetings in safety. They specified that, if officially invited and notified about matters to be considered, as required by the constitution, they would be prepared to attend Parliament on all questions,..*"

"*9. Mr. Clerides informed UNFICYP that he was prepared to discuss the situation during the afternoon of 22 July with a group of Turkish Cypriot members of the House. He subsequently indicated, however, that he would not receive this delegation if they came escorted by UNFICYP soldiers, though he would not object to their being brought to his office in an UNFICYP automobile driven by an UNFICYP employee. Finally, Mr. Clerides stated that unless the Turkish Cypriot members accepted the conditions laid down by him, he found it pointless to supply to them copies of the pending bills.*"

"*11. Mr. Clerides also stated that the constitutional provisions concerning promulgation of the laws by the President and Vice-President were no longer applicable. He subsequently stated that in his opinion the Turkish Cypriot members had no legal standing any more in the House.*"
(Report of the UN Secretary-General to the Security Council dated 29 July 1965, S/6569)

The above documented evidence amply demonstrates that what the Turkish Cypriots faced on 21 December 1963 was a veritable Greek Cypriot coup, directed by the Greek Cypriot side against the partnership Republic and the Agreements which brought it about. This was accompanied by a campaign of ethnic cleansing launched by the Greek Cypriots against the Turkish Cypriot people, evidence of which is in the following paragraphs:

The then US Under-Secretary of State, Mr. George Ball, in his memoirs entitled "*The Past Has Another Pattern*", states the following regarding the real intention of Archbishop Makarios:

"***Makarios' central interest was to block off the Turkish intervention so that he and his Greek Cypriots could go happily massacring Turkish Cypriots.***" (pp. 341-345).

Mr. Ball also states in the same pages that "***the Greek Cypriots ... do not want a peace-keeping force; they just want to be left alone to kill Turkish Cypriots...***" He also recounts telling Makarios in no uncertain terms that "***the world's not going to stand by and let you turn this beautiful island into your private abattoir.***"

In the course of the Greek Cypriot coup, the office of the Turkish Cypriot Vice-President, Dr. Fazıl Küçük was taken over and ransacked by the Greek Cypriot armed gunmen and police, while Turkish Cypriot police officers and men were put under arrest by their colleagues. The offices of the Turkish Cypriot Ministers were also taken over and ransacked.

Makarios had thrown away the Constitution and was asking the Turkish Cypriots to accept a minority status in a Greek Cypriot Republic. Even telephone lines were cut off and the *Cyprus Broadcasting Corporation* was telling the world that the Turkish Cypriots had "rebelled" against the "legitimate government" and that the "government" was containing the "rebellion". When finally the Foreign Press was able to come into the Turkish Cypriot part of Nicosia, this is what they saw:

"We went tonight into the sealed-off Turkish quarter of Nicosia in which 200 to 300 people had been slaughtered in the last five days. We are the first Western reporters there and we have seen sights too frightful to be described in print and horrors so extreme that people seemed stunned beyond tears and reduced to a hysterical and mirthless giggle that is more terrible than tears."

(*Daily Express*, 28 December 1963-report by Rene Maccoll and Daniel Mc. Geachie)

"... A few days ago, 1,000 people lived here, in their solid, stone built homes which

hug the coast road to Kyrenia, 13 miles from Nicosia. Then in a night of terror 350 villagers - men, women and children - vanished. They were all Turks."

(*Daily Herald*, London, 31 December 1963)

"In Cyprus the terror continues. Right now we are witnessing the exodus of Turks from villages. Thousands of people are abandoning their homes, lands, herds: Greek terrorism is relentless. This time the rhetoric of the Hellens and the busts of Plato do not suffice to cover-up their barbaric and ferocious behavior."

(*Il Giorno*, 14 January 1964, report by Giorgio Bocca)

It is in the face of these developments, whereby 700 Turkish Cypriots who had been driven away from the Kumsal area (a suburb of Nicosia), were still missing; 3000 Turkish Cypriots had been driven from their homes in Küçük Kaymaklı (another suburb of Nicosia); and Turkish Cypriot refugees were pouring in from all over the island, that Dr. Küçük wrote a letter of appeal to all Heads of State on 5 January 1964, in which he said:

"The Greeks of Cyprus ... have planned and put into execution an organised armed attack by the Greek Cypriot Police and civilians on the Turks and Turkish property in towns and villages, including my own residence and office, since the night of 20th December 1963.

During these attacks Turkish houses in Nicosia and elsewhere have broken into and many innocent Turks, including women and children, have been murdered in cold blood in their houses or driven away as hostages...

Even after the cease-fire, Turks have been killed and kidnapped and many Turkish houses have been looted or maliciously set on fire by the Greeks. Turks both in towns and villages are still besieged and all means of communication have been cut off to them. Also, the normal supply of foodstuffs to Turkish citizens is no longer possible.

Reliable reports reaching us indicate that, even now, the Greeks are arming and preparing another onslaught for a general massacre on a larger scale than before."

There was no constitutional order. Makarios had already declared not only the Constitution but also the Agreements to be "dead and buried", and it became clear that there was no possibility of the Turkish Cypriot people living mixed with the Greek Cypriot people. This was proved by the fact that the Turkish Cypriots, who lived on and tilled 33% of the land, were forced to evacuate 103 villages. Surrounded by the Greek and the Greek Cypriot forces, they were forced to live for eleven years in enclaves scattered throughout the whole island, comprising a mere 3% of the area of Cyprus. During this period, they were denied all their human rights and told that they should leave the island unless they accepted a second-class status in the island.

It is against this background that the Greek Cypriot allegation to the effect that the TRNC is the result of a "secessionist policy" is an insult to the injuries suffered by the Turkish Cypriots, who were left stateless, unless they succumbed to the demands of the Greek Cypriot leadership to accept a second-rate status, as admitted by Mr. Clerides in his Memoirs:

"(b) The Greek Cypriots by the term unitary state meant control by the Greek Cypriot majority of all the organs of the state in which all political decisions were taken for the Government of the island. In other words, the Greek Cypriot objective was to establish and secure the political and economic control of the island for the Greek Cypriot majority.
(My Deposition, Vol. 3, p.276)

Facing the threat of annihilation or accepting a second-rate or minority status, and seeing that Makarios had no intention of re-establishing the constitutional order, the Turkish Cypriot leadership denounced the Greek Cypriot administration as illegal and unacceptable and Turkish Cypriots started ruling themselves under the authority of the Vice-President until the establishment of their own administration. This administration, through an evolutionary process, culminated in the proclamation of the Turkish Republic of Northern Cyprus on 15 November 1983, nearly twenty years after the Turkish Cypriots had been rendered "stateless" by the Greek Cypriot regime. This fact is also recognised and underlined by none other than Mr. Glafcos Clerides, in his memoirs in the following words:

"The constitutional crisis of the year 1963 disrupted the constitutional order, the continuity, and the partnership status of the two communities, which was created by the Zurich Agreement.

Because of the disruption of the constitutional order a peculiar situation was created by virtue of which the state authority, on the one hand, became under the absolute control of the Greeks, and though the Government was recognised internationally, yet internally Turkish enclaves were created within the territory of the Republic in which at first, an elementary organisation for the purpose of governing the Turkish Cypriots was established, the main characteristic of which was the confusion of military and political powers and functions, and the prevailing of military power.

After the crisis of 1967 (Kophinou Crisis) the above disruption of constitutional order became more clear and showed tendencies of permanency. Thus, in December 1967, the elementary military-political organisation of the Turks in the enclaves developed into a 'Temporary Administration' on the basis of a charter, and at the same time the political and military authorities were separated.

In the years that followed, a steady, stage by stage development is noted in the Turkish Cypriot administration, with the separation in its Legislative, Executive and Judicial powers. An administrative organisation is created, as well as police force and an army. The increase of the financial resources of the Turkish Cypriots through economic

aid from Turkey permitted the functioning of their administration on a more permanent basis, a fact which they made clear, by renaming their 'Temporary Turkish Cypriot Administration'. Thus there exist today in Cyprus two poles of power on a separate geographical basis i.e. the Government of the Cyprus Republic, controlling the largest section of the territory of the state and internationally recognised, and the Turkish Cypriot Administration, which controls a very limited area and is not internationally recognised, but has already taken almost all characteristics of a small state."

("My Deposition" (1990, Volume III, pages 236-237)

By invoking UN Security Council Resolutions, Mr. Zackheos attempts to fabricate the notion of the "people of Cyprus", in order to undermine and water down the equal political status of the Turkish Cypriot people to a mere procedural equality evolved during, and only valid within the scope of the negotiations carried out under the auspices of the UN Secretary-General. Yet, the existence of two separate national identities and their respective States in Cyprus is an indisputable reality. The attempt to project the existence of a single "Cypriot nation" is a well-known tactic of the Greek Cypriot side employed within the framework of their efforts to run away with Cyprus. I found it necessary to reiterate that such a nation does not exist and has never existed in Cyprus. This fact was also explicitly stated by no lesser a figure than Archbishop Makarios:

"***No Greek who knows me can ever believe that I would wish to work for the creation of a Cypriot national awareness. The Agreements have created a State but not a Nation.***"

(In his statement to the English-language daily, *Cyprus Mail* of 28 March 1963)

The Greek Cypriot representative, with his statement that "contemporary documents ... prove beyond any doubt that Security Council Resolution 186 (1964) was predicated solely on the **consent of the then Government of Cyprus** insofar as concerns the stationing of any force on the territory of the Republic of Cyprus" tries to conceal the fact that during that period "consent of the Government of Cyprus" meant, and was accepted to be, **the consent of the President (for Greek Cypriots) and Vice-President (for Turkish Cypriots)** as provided for in the 1960 Constitution of the Republic of Cyprus:

"***... Her Majesty's Government are of the opinion that any course of action upon which the UN embarks, should be generally acceptable to all parties including the two communities.***"

(Aide Memoire sent to the UK Mission to the UN by the British Government, dated 4.3.1964)

The said document also noted that the British Peacekeeping force, which was sent to the island, had been established "***with the agreement of both the President and Vice-President***".

Until June 2000, in one way or another, the consent of both parties was sought and registered by the Security Council. This was in line with the UN principle that peace-keeping in any area of the world is conducted with the consent of the parties involved. This UN principle was recently stated by the former UNFICYP Chief of Mission, Dame Ann Hercus, during her press conference on 14 April 1999, at the Ledra Palace Hotel in the UN controlled buffer zone in Cyprus:

"***We are here by consent. The day consent is withdrawn or collapses, is the day UN peace-keepers pack up their bags and go home. Consent and cooperation of the parties to a conflict are essential for peace-keepers to perform their role. They can assist the conflicting parties in implementing a cease-fire or subsequent settlement. But a peace-keeping operation cannot do this without that general consent which is the basis of its being here.***"

Furthermore, a high-level Panel which convened in March 2000 under Your Excellency's auspices to undertake a thorough review of the UN peace and security activities concluded the following as the guiding principles of a UN peace-keeping operation:

"***The Panel concurs that consent of the local parties, impartiality and use of force only in self-defence should remain the bedrock principles of the peace-keeping.***"
(Findings of the Brahimi Report as contained in Your Excellency's letter of 21 August 2000, A/55/302-S/2000/809.)

As to the "contemporary documents" referred to by Mr. Zackheos, it is sufficient to refer to the following documents:

"***Is it not the first thing to do for the UN to insist on Makarios and Kutchuk meeting together and for the UN to deal with them jointly. Makarios is not the 'Government of Cyprus'.***"
(The then Prime Minister of the United Kingdom, Sir Douglas Home's comment on a telegram from New York, No.911 of 30 April 1964)

"***What is our policy and true feelings about the future of Cyprus and about Makarios? Judging from the English newspapers and many others, the feeling is very strong indeed against Makarios and his so-called government and nothing would please the British people more than to see him toppled the Cyprus problem solved by direct dealings between the Greeks and the Turks.***"
(Letter of Mr. Patrick Dean, the then Permanent Representative of the UK Mission to the UN to Mr. J.C. Reunie, Foreign Office, dated 12 August 1964)

In an apparent attempt to confuse the innocent with the guilty, the Greek Cypriot representative, in his letter, aims to apportion responsibility for the all-encompassing embargoes imposed on the Turkish Cypriot people to the victims themselves, namely the Turkish Cypriot people. This attitude serves no other purpose than further poisoning the relations between the two peoples and hampering prospects for reconciliation.

As to Mr. Zackheos's remarks on the long-standing process of negotiations, it should be underlined that the fundamental basis of the search for a just and lasting solution in Cyprus, which has been going on intermittently since 1968, has been the **equal partnership** of the two peoples in the island (the internal balance) and the maintenance of the balance established between Turkey and Greece over Cyprus (the external balance). In the course of the efforts for a settlement conducted under the auspices of successive UN Secretaries-General, a number of basic parameters have emerged, such as **bi-zonality**, **political equality** and **the continuation of the Treaties of Guarantee and of Alliance**. Resolution of the property issue on the basis of **global exchange and/or compensation** is also among these parameters.

The policy which the Greek Cypriot side has followed vis-à-vis the talks, namely its rejection of the 1985 and 1986 Draft Framework Agreements, the UN-sponsored Set of Ideas of 1992 as well as the package of Confidence Building Measures of 1994, and others, should have demonstrated to all concerned that the other side is not interested in a negotiated settlement, but is out to destroy the above parameters which have been established in the course of the negotiations, by exploiting its usurped title of "the Government of Cyprus".

That the Greek Cypriot side has long been using the negotiation process as a tactical device in order to consolidate its so-called "government" status and achieve its political objectives other than a mutually acceptable settlement is all too obvious, and has, in fact, been publicly admitted by Mr. Clerides in the following words:

"***The trick is here is to give the impression that you are going to accept a proposal in order to get the other side to reject it and then portray the other side as the intransigent party to the world.***"

(At a press conference on 6 November 1997)

In spite of this Greek Cypriot mentality, the Turkish Cypriot party had agreed to take part in the proximity talks which lasted from December 1999 to November 2000. However,

the talks failed to achieve the declared objective of **preparing the ground for meaningful negotiations leading to a comprehensive settlement.**

I must stress, in conclusion, that the cause of reconciliation in Cyprus cannot be served by distorting history or the present realities, as the Greek Cypriot representative has done in his above-mentioned letter, or by using the usurped title of "the Government of Cyprus" as a political weapon against the Turkish Cypriot people.

I should be grateful, if the text of the present letter were circulated as a document of the General Assembly, under Agenda Item 64, and of the Security Council.

(Signed) Aytuğ Plümer
Representative of the
Turkish Republic of Northern Cyprus

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Letter dated 29 March 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 29 March 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Umit **Pamir**
Ambassador
Permanent Representative

Annex to the letter dated 29 March 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I am writing to you in reference to the issues raised in the letter of 14 February 2001 addressed to you by the Greek Cypriot representative at the United Nations (A/55/784-S/2001/136).

Although the necessity of obtaining the consent of both parties for the United Nations Peacekeeping Force in Cyprus (UNFICYP) has been dealt with extensively in another letter I am addressing to you, I would first like to touch upon it in order to register my Government's position.

I wish to recall that, until June 2000, in one way or another, the consent of both parties was sought and registered by the Security Council. This was in line with the United Nations principle that peacekeeping in any area of the world is conducted with the consent of the parties involved. This United Nations principle was recently stated by the former UNFICYP Chief of Mission, Dame Ann Hercus, during her press conference of 14 April 1999 at the Ledra Palace Hotel in the United Nations-controlled buffer zone in Cyprus:

> "We are here by consent. The day consent is withdrawn or collapses is the day United Nations peacekeepers pack up their bags and go home. Consent and cooperation of the parties to a conflict are essential for peacekeepers to perform their role. They can assist the conflicting parties in implementing a ceasefire or subsequent settlement. But a peacekeeping operation cannot do this without that general consent which is the basis of its being here."

Furthermore, the high-level Panel on United Nations Peace Operations, which was convened in March 2000 under your auspices to undertake a thorough review of the United Nations peace and security activities, concluded the following as the guiding principles of United Nations peacekeeping operations:

> "The Panel concurs that consent of the local parties, impartiality and use of force only in self-defence should remain the bedrock principles of peacekeeping." (Findings of the Brahimi report as contained in your letter of 21 August 2000, A/55/305-S/2000/809.)

As for the Greek Cypriot assertions on the 1960 Treaties of Guarantee and of Alliance, I wish to recall that this is not the first time that the Greek Cypriot administration, which has, since December 1963, usurped all the powers and functions of the bi-national Government of Cyprus, is challenging the validity of the Treaties which established and guaranteed the state of affairs on the island, namely, the partnership of two politically equal parties, non-domination of one over the other, effective participation in the Government and complete autonomy in communal affairs, while restricting the independence of the island in order to protect the partnership structure of the establishment.

The present Greek Cypriot administration is not the bi-national Republic that the Treaties envisaged and it is not governed by the basic articles of the 1960 Constitution. Those basic articles, which had been incorporated from the Zurich Agreement, could not, by virtue of article 182 of the Constitution, in any way be amended — whether by way of variation, addition or repeal. This was not simply a question of domestic constitutional law, as the Treaties themselves elevated the

matter to the domain of international law. It may suffice to refer here to the 1987 report of the Select Committee of the British House of Commons, in which it is stated:

> "Although the Greek Cypriot Government had been claiming to have been merely seeking to operate the 1960 Constitution, modified to the extent dictated by the necessities of the situation, this claim ignores the fact that both before and after the events of December 1963, the Government of Archbishop Makarios continued to advocate the cause of *enosis* and actively pursued the amendment of the Constitution and the relevant Treaties to facilitate this ultimate objective. In February 1964, for instance, Archbishop Makarios declared 'The Agreements have been abrogated and buried'."

From December 1963, Greek Cypriot gunmen and police under the command of the Minister of Interior drove the Turkish Cypriots out of their homes and posts, as Archbishop Makarios declared that he no longer recognized the office of the Turkish Cypriot Vice-President and offered minority rights to the Turkish Cypriots while claiming to be the "Government of Cyprus" in complete disregard of the Constitution, the state of affairs created by the 1960 Agreements and the raison d'être of the Agreements themselves.

It may be recalled that Turkey took military action in Cyprus on 20 July 1974 under article IV of the Treaty of Guarantee. At that time, the coupist "government" of Mr. Nicos Sampson, who came to power after Archbishop Makarios escaped into exile, was no more than a puppet government acting under instructions from Greece, ready to order the end of any vestiges of the island's independence and cede it to Greece. Mr. Sampson himself admitted that he was about to proclaim *enosis* (union with Greece) when he had to resign (*Cyprus Mail*, 17 July 1975). According to the foreign press, there were 20,000 Greek army personnel in the island at the time of the coup, preparing to realize the union of the island with Greece. This force was introduced into Cyprus, first clandestinely, then overtly, by Archbishop Makarios during the years 1963 and 1964 in preparation for *enosis* at the appropriate time.

The Turkish position during the critical debates at the United Nations Security Council from 1964 to 1974 has been that the Treaty of Guarantee is valid and has to be respected under the doctrine of *pacta sunt servanda*, and that it gave the guarantor powers the right to take military action solely or jointly, after having carried out the requisite consultations provided in the Treaty itself. The United Nations Security Council passed no judgement on the Greek Cypriot position on the matter, but by having referred to the "authority of international agreements" in its resolution 353 (1974) of 20 July 1974, the Council reinforced the argument for the validity of the international instruments, particularly the Treaty of Guarantee.

The interpretation of article IV of the Treaty should create no difficulty once one pays due regard to the recent history of Cyprus and the intentions of the parties. Cyprus gained independence after a sanguinary conflict which was not caused by a struggle for independence. This struggle was characterized by fierce communal trouble. Each of the national communities had differing aspirations. The aim of the Greek Cypriots was union with Greece (*enosis*), which would be tantamount to changing colonial masters for the Turkish Cypriots. The granting of independence in 1960 was an agreed compromise between the parties concerned. It was therefore necessary that strong guarantees should be devised so that the state of affairs established by the Zurich and London accords and the 1960 Constitution of Cyprus

could be preserved and that union of Cyprus with any other State be effectively prohibited. These basic considerations suggest that, in drafting article IV, the guarantor States meant to preserve the right to resort to military action as and when the state of affairs created by the Agreements was threatened from within or from outside. On the other hand, since common or concerted action would not always be possible, each guarantor State was given the right to take unilateral action.

It is clear that before the 1974 Turkish intervention every procedural requirement was fulfilled. Following the Sampson coup, consultations took place in London on 17 and 18 July, between the British and Turkish Governments; the Foreign and Commonwealth Secretary James Callaghan met the Turkish Prime Minister Bülent Ecevit and discussed the action to be taken following the coup. The Greek Government, though invited, did not attend. The consultations were described by the Foreign and Commonwealth Office as abortive, but it was clear that Britain was not willing to intervene jointly with Turkey as a guarantor Power and it was also clear that it recognized the possibility of military action by Turkey. Britain and Turkey, thus fulfilled the obligation of holding consultations (1987 report of the House of Commons Select Committee on Cyprus, on p. vii, sect. 9 and p. viii, sect. 12).

Article IV of the Treaty of Guarantee mentions a "right to take action". It is true that the word "military" has not been used to qualify the word "action" and this has led some authors to the conviction that article IV does not sanction military action but authorizes intercession only, such as diplomatic representations and economic countermeasures. In fact, the first paragraph provides for consultation "with respect to the representations or measures necessary to ensure observance" of the provisions that have been breached. The second paragraph of the article in question, by providing for concerted action, or the right of any of the guaranteeing powers to take action, is stronger in terms than the first paragraph. If it were intended to restrict the meaning of the word "action" to any action other than military, it would have been easy for the drafters to do so expressly, or to use words of lesser import. In fact, it is clear that it was left to the guaranteeing Powers, or any one of them, to decide what action to take. Otherwise the second paragraph would be a dead letter unable to serve the purpose it was designed to serve.

It should not be forgotten that from 1963 to 1974 Turkey and Britain, on many occasions, both in the course of debates at the Security Council and directly, made repeated representations to the "Makarios government" to stop violating the basic articles, as well as the rights of the Turkish Cypriots, but without effect. The Greek military coup was a new and major military action which had to be met by an effective counteraction.

Taking into consideration the fact that the principal object and purpose of the 1960 Agreement was to settle a problem, which was loaded with the potential danger of a Greco-Turkish war, and to protect domination of one community by the other, it can be deduced that the guarantors meant to provide effective guarantees in the eventuality of breach of the Treaty. An effective guarantee could be nothing less than military intervention, because it could not be expected that union of Cyprus with any other State, namely Greece, could be effectively prevented by mere diplomatic efforts of intercession, which in any case, can always be resorted to by any State without the sanction of an international treaty. Moreover, it would not

really be necessary to conclude a treaty of guarantee in order to enable a guaranteeing Power only to intercede by making diplomatic representation.

It is a principle of international law that treaties can be changed only by the consent of the interested parties. It should also be noted that the right of intervention that the guarantor Powers reserved under the Treaty of Guarantee, was not a right carved out of an already independent Cyprus Republic in favour of third States. The word "reserved" was used deliberately because the signatories who had been recognized long ago as interested parties in the Cyprus dispute, already had rights linked to the future of the Cyprus Republic. The Treaty of Lausanne of 1923 had established a political and military balance of power in the area. Union of Cyprus with Greece would upset that balance of power.

Cyprus accepted being an independent State subject to the state of affairs created by the 1960 Agreements. The wording of the Treaty of Guarantee prohibited union of the Republic with any other State and bound it by an obligation to maintain its partnership independence, as well as the state of affairs created by the Agreements. The Treaty was not therefore a derogation from an already existing full independence, but a guarantee of an independence which came into being as a result of, and as specified by, international agreements as a compromise between the opposing aspirations of the two national communities.

International law presumes the validity of international agreements unless changed or repealed by the parties or declared otherwise by the competent tribunal. In fact, respect for pledges and commitments embodied in international treaties is the foundation upon which stability in international relations is achieved. In the case of Cyprus, the 1960 Agreements gave each party certain rights and privileges in return of each of them making certain concessions from their original positions. Thus, Great Britain reserved for itself sovereign bases and relinquished its sovereignty over the rest of the island as a British colony; Turkey and the Turkish Cypriots abandoned their demand for partition in consideration of Greece and the Greek Cypriot side abandoning *enosis* and affirming the rights of the Turkish Cypriots as provided for in the state of affairs so created. The Greek Cypriot attempt to change the state of affairs in its favour by resorting to force of arms carried with it the consequential result of *enosis*, or failing that, a revised state of affairs in the light of developments. Whatever the result, the Greek Cypriot side could not in law and in fact replace the bi-national partnership Republic of Cyprus, comprising two peoples distinct from the point of view of culture, language, religion and ethnic origin, by a Greek Cypriot republic claiming to be the legitimate successor to that partnership Republic.

The Turkish intervention of 1974 cannot be evaluated in isolation from the recent history of Cyprus, the chain of events which started with the Greek Cypriot determination to destroy the partnership character of the Republic and convert it into a Greek Cypriot republic as early as August 1960 when the Agreements were signed, as well as the events which led to the Greek coup d'état, the aims and effects of which have been expressed by Archbishop Makarios at the United Nations Security Council. He said that the Greek military regime had openly violated the independence of Cyprus, had extended its dictatorship in the island and that this amounted to an invasion from the effects of which both Greeks and Turks would suffer (United Nations, Official Records of the Security Council, S/PV.1780). One should not forget that the raison d'être of the Turkish intervention was to put an end

to Greece's invasion, to protect Turkish Cypriots from imminent attack and to help to restore the relevant state of affairs on the island.

It should also be mentioned that the European Court of Human Rights has not pronounced upon the validity or otherwise of the Treaties nor on the legality of the Turkish intervention of 1974. The judicial organs of the Council of Europe have refrained from deciding on these matters even though some superficial conclusions, not supported by facts, have been drawn from the Turkish "military presence" in Northern Cyprus for purposes of "responsibility" under the Convention.

The allegation made by the Greek Cypriot representative to the effect that the Turkish Republic of Northern Cyprus "has no territory" demonstrates the Greek Cypriot obsession with myths, rather than realities. If this was correct there would have been no need to talk about "territory" and "territorial adjustments" in the long-standing talks held between the two parties. Furthermore, these terms would not have been referred to over the years in various relevant United Nations documents. No one can deny the existence of two separate and exclusive State authorities in Cyprus, one in the northern and the other in the southern part of the island, as was also acknowledged by the Geneva Declaration of 30 July 1974 of the Foreign Ministers of the three Guarantor Powers (Her Majesty's Stationary Office, Misc. No. 30 (1974), Command Paper 5712). Moreover, as early as in 1977 the parties themselves confirmed the existence of two separate territories in the island by referring to the "territory under the administration of each community" in the Denktaş-Makarios guidelines of 1977. Rather than being obsessed with myths, the Greek Cypriot side needs to come to terms with the realities on the island and not keep on denying the existence of the Turkish Cypriots by presuming that they are living in a "vacuum". The Turkish Cypriot people enjoys a full democratic system with its own independent State comprising political and legal institutions.

It is not surprising that the Greek Cypriot representative, whose administration prefers to prolong the humanitarian issue of missing persons and to callously exploit the agony of its own people, chooses to refer to the distortion broadcast by Greek Cypriot *Sigma* television, of an interview by President Rauf R. Denktaş of 1 March 1996 in which he reiterated a fact which is already well known and acknowledged by prominent third parties, namely that all "missing persons" on both sides in Cyprus must be presumed dead. It is significant to note, in this context, that the then Deputy Special Representative of the United Nations Secretary-General in Cyprus, Mr. Gustave Feissel, made a statement on 5 March 1996, corroborating this fact, by saying that "no one has ever given the United Nations Committee on Missing Persons any information, evidence, anything at all, which would suggest that anybody is still alive somewhere".

I would greatly appreciate if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative of the Turkish Republic of Northern Cyprus

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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Security Council
Fifty-sixth year

Letter dated 30 March 2001 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Group of Latin American and Caribbean States for the month of March 2001, I have the honour to request you to have this letter and its annex circulated as a document of the General Assembly, under agenda item 18, and of the Security Council.

(*Signed*) Bruno **Rodríguez Parrilla**
Ambassador
Permanent Representative

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